qualify after missing the call of their names on the ground that the signal bells in their offices failed to ring. The requests were denied, however, unless the circumstances fell within the confines of the narrowly-prescribed exception.<sup>(10)</sup>

# § 37. Changing Incorrectly Recorded Votes Prior to Announcement of Result

Deleting Vote Attributed to Absent Colleague; Use of Unanimous Consent

§ 37.1 A Member, ascertaining that an absent colleague had been inadvertently recorded on a roll call vote, had the vote deleted by unanimous consent.

On June 13, 1963,(11) the House voted on a bill (H.R. 6755) to provide a one-year extension of certain corporate tax rates and excise tax rates. Immediately thereafter and before the result of the vote was announced, Mr. John D. Dingell, of Michigan, initiated the fol-

lowing exchange with the Speaker: (12)

MR. DINGELL: Mr. Speaker, how is the gentleman from Michigan [Mr. Ryan] recorded?

THE TALLY CLERK: He voted "aye."

MR. DINGELL: Mr. Speaker, the gentleman from Michigan [Mr. Ryan] is unavoidably detained elsewhere on official business. I ask unanimous consent that the Record be corrected accordingly.

THE SPEAKER: Without objection, it is so ordered.

No objection being voiced, the Record was corrected accordingly.

## § 37.2 The Minority Leader, by unanimous consent, corrected a roll call vote to delete an erroneously recorded absent colleague's vote.

On Aug. 12, 1963,(13) the House voted on a motion to recommit a bill (H.R. 7525) relating to crime and criminal procedure in the District of Columbia. Shortly thereafter, but prior to the Chair's announcement of the result, Charles A. Halleck, of Indiana, the Minority Leader, initiated the following exchange:

MR. HALLECK: Mr. Speaker, I would like to inquire whether the gentleman from North Dakota is recorded as having voted.

**<sup>10.</sup>** See, for example, 103 CONG. REC. 13365, 85th Cong. 1st Sess., Aug. 1, 1957; and 94 CONG. REC. 7161, 80th Cong. 2d Sess., June 4, 1948.

**<sup>11.</sup>** 109 CONG. REC. 10870, 10871, 88th Cong. 1st Sess.

<sup>12.</sup> John W. McCormack (Mass.).

**<sup>13.</sup>** 109 CONG. REC. 14758, 14759, 88th Cong. 1st Sess.

THE SPEAKER PRO TEMPORE: (14) The gentleman is recorded as having voted "yea."

MR. HALLECK: Mr. Speaker, I have checked with his office. We looked to see whether the gentleman from North Dakota was here. I am told by his office, he is not present. So I think the Record should be corrected. If subsequently, it is determined that the gentleman was here, the Record can be corrected by him. But, I think in view of the present situation, it would be better that the gentleman not be recorded.

THE SPEAKER PRO TEMPORE: Without objection, the rollcall will be corrected accordingly.

There being no objection, the correction was made.

§ 37.3 Where a colleague stated that a Member recorded as voting "nay" was neither present nor in the city, the Speaker obtained unanimous consent to correct the roll call prior to announcing the result of the vote.

On Mar. 22, 1944,(15) the House voted by the yeas and nays on an amendment to a bill (H.R. 3961) authorizing the construction, repair, and preservation of certain public works on rivers and harbors.

Shortly after the vote and prior to the Chair's announcement of

the result, the following exchange occurred:

MR. [ALBERT E.] CARTER [of California]: Mr. Speaker, how is the gentleman from New Jersey [Mr. McLean] recorded?

THE SPEAKER: (16) He is recorded as voting "nay."

Mr. Carter: Mr. Speaker, I am certain there is an error, inasmuch as Mr. McLean, as I understand, is not present and is not in the city.

THE SPEAKER: Without objection, the roll call will be corrected accordingly.

There being no objection, the Record was so corrected.(17)

#### Deleting Vote Attributed to Absent Colleague Without Unanimous Consent

§ 37.4 Where a Member informed the Chair that a colleague recorded as voting "yea" was not then in the city and had left instructions

<sup>14.</sup> Carl Albert (Okla.).

**<sup>15.</sup>** 90 CONG. REC. 2927, 2928, 78th Cong. 2d Sess.

<sup>16.</sup> Sam Rayburn (Tex.).

<sup>17.</sup> For comparable instances, see § 37.4, infra, where the Chair corrected the vote without obtaining unanimous consent, and 96 Cong. Rec. 9002, 81st Cong. 2d Sess., June 21, 1950, where the Member pointing out a similar error simultaneously sought unanimous consent (which was granted) for the appropriate correction. Such corrections are only permitted on roll call votes based upon presumed clerical errors; and are not permitted on votes by electronic device.

### to be paired, the Speaker ordered the correction of the roll call prior to announcing the result of the vote.

On Oct. 18, 1945,(18) the House voted by the yeas and nays on an amendment to a bill (H.R. 3615) providing federal aid for the development of public airports and amending existing law relating to air-navigation facilities.

Shortly after the vote and prior to announcing the result, the Chair recognized Mr. Alfred L. Bulwinkle, of North Carolina, who initiated the following exchange:

A parliamentary inquiry, Mr. Speaker.

The Speaker: (19) The gentleman will state it.

MR. BULWINKLE: Is the gentleman from Indiana, Mr. Halleck, recorded?

THE SPEAKER: The gentleman from Indiana, Mr. Halleck, is recorded as voting "aye."

MR. BULWINKLE: I thought there was a mistake at the time. Someone inadvertently answered to his name.

MR. [JOSEPH W.] MARTIN [Jr.] of Massachusetts: Mr. Speaker, I may say that the gentleman from Indiana is out of town and has a pair "aye."

THE SPEAKER: The name of the gentleman from Indiana, Mr. Halleck, will be taken off the roll call.<sup>(20)</sup>

#### Notation of Change in Record

§ 37.5 Where a Member is incorrectly recorded on a roll call and corrects his vote before the announcement of the result, the change is noted in the Record and unanimous consent is not required.

On Sept. 6, 1961,<sup>(1)</sup> the question was put on a motion to suspend the rules and pass a bill (H.R. 9000) to extend for two additional years the expired provisions of Public Laws 815 <sup>(2)</sup> and 874, 81st Congress,<sup>(3)</sup> and the National Defense Education Act of 1958. Immediately after the vote, and before the announcement of the result, Mr. Peter F. Mack, Jr., of Il-

- **1.** 107 CONG. REC. 18256, 18257, 87th Cong. 1st Sess.
- 2. A law providing for the construction of minimum school facilities in impacted areas which was enacted in September 1950.
- 3. A law authorizing cost of maintenance and operation, including teachers' salaries, of minimum school facilities in impacted areas; also enacted in September 1950.

**<sup>18.</sup>** 91 CONG. REC. 9806, 9807, 79th Cong. 1st Sess.

<sup>19.</sup> Sam Rayburn (Tex.).

**<sup>20.</sup>** For comparable instances, see § 37.3, supra, where the Chair first sought

unanimous consent prior to ordering a correction in the vote, and 96 Cong. Rec. 9002, 81st Cong. 2d Sess., June 21, 1950, where the Member pointing out a similar error simultaneously sought unanimous consent (which was granted) for the appropriate correction.

linois, addressed the Chair and stated that he was incorrectly recorded and "would like to be recorded as having voted 'aye.'" The result of the vote was announced a few moments later.

Shortly thereafter, the following exchange took place:

MR. MACK: Mr. Speaker, a parliamentary inquiry.

THE SPEAKER PRO TEMPORE: (4) The gentleman will state it.

MR. MACK: Mr. Speaker, I was incorrectly recorded on the last rollcall. I am wondering if the Record will show that I was incorrectly recorded or whether it will show that I changed my vote.

THE SPEAKER PRO TEMPORE: All the Chair can state is that the Record will show what actually transpired.

MR. MACK: Mr. Speaker, I ask unanimous consent that I be recorded as having voted "aye" on the last rollcall.

THE SPEAKER PRO TEMPORE: The Chair will state that according to the information given the Chair the gentleman is recorded as voting "aye."

The Chair's information was correct, and Mr. Mack's change of vote was noted and corrected in the permanent Record.

# § 38. Correction of Incorrectly Recorded Votes After Announcement of Result

#### **Permissibility**

§ 38.1 The Chair does not pass upon the explanation a Member sets forth as to how he was improperly recorded or how, though present and having voted, he was not recorded. The Chair impugns the motive of no Member. The Chair observed that while it is not permissible to change a vote [after the announcement of the result] it is permissible for a Member to correct the Record.

On May 28, 1959,<sup>(5)</sup> the House granted a unanimous-consent request that the permanent edition of the Record be corrected to show that Mr. James G. Fulton, of Pennsylvania, was present on a roll call vote taken the previous day and had voted "aye." <sup>(6)</sup>

Mr. James G. Fulton, of Pennsylvania, rose to address the Chair as follows:

Mr. Speaker, on rollcall No. 59 I am recorded as not voting. I was present

<sup>4.</sup> John W. McCormack (Mass.).

<sup>5.</sup> Cong. Rec. (daily ed.), 86th Cong. 1st Sess.

**<sup>6.</sup>** See 105 CONG. REC. 9184, 86th Cong. 1st Sess., May 27, 1959.